



**Certificate of Mailing**

I hereby certify that on December 15, 2003, this correspondence and any attachments are being deposited with the United States Postal Service as First Class Mail, postage pre-paid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*Jennifer O. Ahearn*  
Jennifer Ahearn

**PATENT**

Atty. Docket No. 30485-6

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

HARRY EDWARD DEMPSTER

Serial No.: 10/685,831

Filed: October 14, 2003

For: BREAKWATER

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

**PETITION TO MAKE SPECIAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions under 37 CFR § 1.107 and §§ 708. and 708.02 of the M.P.E.P. to make the above-referenced application special on the basis that applicant is over sixty-five (65) years of age. As set forth in the attached Declaration, Applicant, Harry Edward Dempster, presently is 70 years old. In view of the Applicant's age and

Serial No. 10/685,831

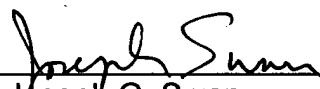
the policy set forth in the pertinent regulations and revisions, it is believed that this petition should be automatically granted.

Applicant understands that no fee is required for this petition. However, if there are any fees due in connection with the filing of this paper that have not been accounted for in this paper or the accompanying papers, please charge the fees to our Deposit Account No. 13-3735. If an extension of time under 37 C.F.R. 1.136 is required for the filing of this paper and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to our Deposit Account. A duplicate copy of this page is enclosed for that purpose.

Respectfully submitted,

**MITCHELL, SILBERBERG & KNUPP LLP**

Dated: December 15, 2003

By   
Joseph G. Swan  
Registration No. 41,338

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### DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I am one of the named inventors in the above application and am presently 70 years old. My birthday is February 13, 1933. I understand that this declaration is being submitted in support of a petition to make the above application special.

I am aware that the willful false statements and the like are made punishable by fine or imprisonment or both, under § 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above application or any registration resulting thereof, and I hereby declare that the foregoing statements of fact set forth above are true.

Dated: 11/02/03

  
Harry Edward Dempster